1950.

File No. O. Distt Vaccination 50

Legal Deptt

A **BRANCH**

Subject:— Opinions under the Bom. Distt Vaccination Act, 1892.

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File No. O. Distt Vaccination 50

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C O N T E N T S.

Legal Department File No. O Dist. Vaccination/50.

Sr. No.	Compilation No.	Subject.	Pages.
		Opinions under the District Vaccination Act, 1892.	
1.	O.Dist Vaccination/1950 R.I.No. 11345/4-9-50 O.No. 9503/7-7-50.	Proposals to bring the provisions of sections 1 to 33 of the Bombay Dist. Vaccination Act, 1892 into force within the limits of the Municipal Area of Kadi, Dist. Mehsana Area with effect from 22-4-50 Issue of fresh Notifications again as required by sub-sections (2) & (4) of sec. 2 of the Bombay Dist. Vaccination Act, 1892.	1-2.
2.	O.No. 9503/7-7-50	Bombay Dist. Vaccination Act, 1892 Section 2(2) & (4). Application of the Act to the Municipal Area of Kadi, Dist. Mehsana.	3-4.

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Submitted with reference to L.S.G.&P.H.D. office note at pp. 23-24-ante. Please see G.N.L.S.G.&P.H.D. dt20-3 50 at p. 27 ante inviting objections and suggestions on the proposal to bring the provisions of sections 1 to 32 of the Bombay District Vaccination Act, 1892, into force within the limits of the municippl area of Kadi, District Mehsana with effect from 22-4-50. The notification was finally published on 19/4/50. It appears however that the preliminary Notification dated 20/3/1950 which was sent for publication in the B.G.G. was not published till 27th April 1950 i.e. long after the date fixed for receiving obejctions. In the circumstances the R.L.A. is requested to advise in in the matter.

2. Subsection (2) of section 2 of the Bombay District Vaccination Act, 1892, provides that the provisions of the Act other than section 33 shall come into force in each local area within its extent on such day as the State Govt. by notification in the Official Gazette, may direct. Subsection (4) provides that except when an epidemic of small pox exists or is apprehended, notice of the intention of the State Government to introduce the Act on a date specified shall be given in the Official Gazette at least one month before such notification is issued and the State Govt. shall receive and consider such suggestions and objections as may be submitted to it by persons interested not latter than a week before the date specified as aforesaid. It would be seen from these provisions that the notifications under subsections (2) and (4) of section 2 are required to be

published in the Official Gazette, The publication thereof in the municipal area as reported by the President of the Municipality in his letter at p.17 ante will not be compliance with the provisions of the Act. Since the preliminary notification was published long after the date for receiving objections and suggesti...., the persons interested had no notice of the intention of Government and therefore both the Notifications issued by Government ~~xx~~ are illegal. The L.S.G.&P.H.D. is therefore advised to issue fresh notifications again as required by sub-sections (2) and (4) of section 2 of the Bombay District Vaccination Act, 1892.

D W D

VGP. 20-6-56.

R L A P M L

URW L.S.G.&P.H.D. No. 9503 dt. 7-5-57

Office of the R.L.A.

Bombay District Vaccination Act, 1892 section 2(2) & (4):

Application of the Act to the municipal area of Kadi, district Mehsana,

Sub-section (2) of section 2 of the Bombay District Vaccination Act 1892, provides that the provisions of the Act other than section 33 shall come into force in each local area within its extent on such days as the State Government by notification in the Official Gazette may direct. Sub-section (4) provides that except when an epedemic of small pox exists or is apprehended, notice of the intention of the State Government to introduce the Act on a date specified shall be given in the Official Gazette at least one month before such notification is issued, and the State Government shall receive and consider such suggestions and objections as may be submitted to it by persons interested not latter than a week before the date specified as aforesaid. It would be seen from these provisions that the notifications under sub.s sections (2) and (4) of section 2 are to be published in the Official Gazette. The publication thereof in the municipal area as reported by the President of the Municipality in his letter at page 17 ante will not be compliance with the provisions of the Act. Since the preliminary notification was published long after the date. for receiving objections and suggestions the persons interested had no notice of the intention of Government and therefore both the notifications issued by Govt. are illegal. The Local Self Government and Public Works Department is therrfore advised to issue fresh notifications again as required by sub-sections (2) and (4) of section 2 of the Bombay Dist. Vaccination Act, 1892.

Sd. P.M.Lad. 7/7
R.L.A.